

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
BLACKWELL PUBLISHING, INC.,)	
ELSEVIER, INC., ELSEVIER B.V.,)	
WALTER de GRUYTER GmbH & CO. KG,)	
MASSACHUSETTS MEDICAL SOCIETY,)	
WILEY-LISS, INC., and)	
WILEY PERIODICALS, INC.,)	
)	CIVIL ACTION NO. 04-10050-NG
Plaintiffs,)	
)	
v.)	
)	
FEDERAL STATE OF)	
NORDRHEIN-WESTFALEN, GERMANY,)	
d/b/a ZBMED,)	
)	
Defendant.)	
_____)	

**DEFENDANT'S UNOPPOSED MOTION
TO EXTEND TIME
TO RESPOND TO COMPLAINT**

The defendant, the Federal State of Nordrhein-Westfalen, Germany, doing business as ZBMed, the German National Library of Medicine, ("ZBMed") hereby moves to extend to May 28, 2004, the time within which it must answer or otherwise respond to plaintiffs' Complaint. **Plaintiffs' counsel has indicated that plaintiffs will not oppose this motion.**

As grounds for this motion, ZBMed states as follows:

1. ZBMed is an entity operated by the Federal State of Nordrhein-Westfalen in the Federal Republic of Germany. Proof of service on ZBMed was filed with this Court on March 23, 2004.

2. ZBMed retained as counsel David S. Korzenik of Miller and Korzenik, LLP, located in New York, N.Y.

3. Since that time, ZBMed's counsel has been engaged in discussions with plaintiffs' counsel in an effort to determine whether this matter can be settled without judicial intervention. Those discussions continue.

4. On or about March 29, 2004, the parties stipulated to extend the time to answer or otherwise move in response to the Complaint to and including May 7, 2004. This Court endorsed that stipulation on or about April 26, 2004.

5. The parties subsequently filed with this Court a letter stipulating to a further extension of time to and including May 19, 2004. A true and accurate copy of that letter is attached to this motion.

6. ZBMed requires an additional nine days, to and including May 28, 2004, to answer or otherwise respond to the Complaint. The extension is necessary for two reasons. First, ZBMed has only this week engaged local counsel in Massachusetts, and local counsel needs the opportunity to familiarize itself with the allegations of the Complaint and the facts relating to this claim. Second, because ZBMed's principal representative is traveling, ZBMed's counsel has not yet had the opportunity to review the proposed response with the client.

7. Plaintiffs' counsel has been advised of this motion, and has indicated that plaintiffs will not oppose it.

WHEREFORE, defendant Federal State of Nordrhein-Westfalen, Germany, d/b/a ZBMed, respectfully requests that it be given up to and including May 28, 2004 to answer or otherwise respond to plaintiffs' Complaint.

FEDERAL STATE OF NORDRHEIN-
WESTFALEN, GERMANY, d/b/a ZBMED

By its attorneys,



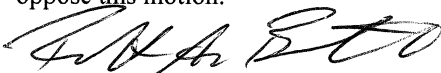
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Pro hac vice motion pending:
David S. Korzenik, New York DK1767
MILLER AND KORZENIK, LLP
488 Madison Avenue, 11th Floor
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(212) 752-9200
(212) 688-3996 (fax)

Dated: May 18, 2004

LOCAL RULE 7.1 CERTIFICATION

I, Robert A. Bertsche, hereby certify pursuant to Local Rule 7.1(A)(2) that on May 18, 2004, I conferred with plaintiffs' counsel, William S. Strong, in a good-faith effort to resolve or narrow the issues raised by this motion, and that plaintiffs' counsel indicated that plaintiffs will not oppose this motion.



Robert A. Bertsche

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May 7, 2004

By Regular U.S. Mail
The Honorable Nancy Gertner
United States District Court
United States Courthouse
1 Courthouse Way
Boston, MA 02210

**Re: Blackwell Publishing et al. v. Federal State of Nordrhein-Westfalen
Civil Action No. 04-10050 (NG) /United States District Court**

Dear Judge Gertner:

I represent the Federal State of Nordrhein-Westfalen – specifically, the German National Library of Medicine (the “Medical Library”). I submit this letter on behalf of counsel to all of the parties with the request that the attached Stipulation extending time to respond to the Complaint to May 19, 2004 be approved, “So Ordered” and filed.

The parties had previously stipulated to extend the Medical Library’s time to answer or otherwise respond to the Complaint to May 7, 2004. Additional time is needed for the parties to examine settlement alternatives. Plaintiffs are currently evaluating an approach to settlement that has been proposed by defendant. The settlement approach is one that would resolve litigations in the U.S. and the U.K..

The prior extension was needed in part because the Director of the Medical Library, Mr. Ulrich Korwitz, who is my main contact with the client, had been recently hospitalized for several weeks. Plaintiffs’ counsel join in this request.

I therefore respectfully request that the enclosed Stipulation Extending Time be “So Ordered” by the Court and filed with the Clerk’s Office.

Respectfully Submitted,



David S. Korzenik

cc: William Strong, Esq.
Kotin, Crabtree and Strong LLP
(By Fax 617-367-2988)